

Translation

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PATENT COOPERATION TREATY



PCT 10/532623

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference<br>P801843/MB  | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |  |
| International application No.<br>PCT/EP2003/011518   | International filing date (day/month/year)<br>17 October 2003 (17.10.2003)  | Priority date (day/month/year)<br>24 October 2002 (24.10.2002) |
| International Patent Classification (IPC) or national classification and IPC<br>H01H 21/00, 25/00, B60Q 1/00 |   |  |
| Applicant<br>DAIMLERCHRYSLER AG  |   |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

|  |  |
|--|--|
| Date of submission of the demand<br>06 May 2004 (06.05.2004) | Date of completion of this report<br>14 February 2005 (14.02.2005) |
| Name and mailing address of the IPEA/EP                      | Authorized officer   |
| Facsimile No.  | Telephone No.  |

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/011518

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-3, 5, 6, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages 4, 4a, 4b, 7, 8, filed with the letter of 11 January 2005 (11.01.2005)
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1-7, filed with the letter of 11 January 2005 (11.01.2005)
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

|                               |        |        |     |
|-------------------------------|--------|--------|-----|
| Novelty (N)                   | Claims | 1, 3-7 | YES |
|                               | Claims | 2      | NO  |
| Inventive step (IS)           | Claims |        | YES |
|                               | Claims | 1-7    | NO  |
| Industrial applicability (IA) | Claims | 1-7    | YES |
|                               | Claims |        | NO  |

## 2. Citations and explanations

## 1 Reference is made to the following documents:

D1: DE 39 32 216 A (BOSCH GMBH ROBERT) 4 April 1991  
D2: FR-A-2 818 933 (VALEO ELECTRONIQUE) 5 July 2002  
D3: EP-A-1 191 279 (HELLA KG HUECK & CO) 27 March 2002  
D4: FR-A-2 772 511 (PEUGEOT) 18 June 1999  
D5: EP-A-0 765 775 (TRW INC) 2 April 1997  
D6: US 2001/019482 A1 (INOUE TAKASHI ET AL) 6 September 2001

2 INDEPENDENT CLAIM 1:

2.1 The amendments submitted with the letter of 5 January 2005 introduce substantive matter which, contrary to PCT Article 34(2)(b)), goes beyond the disclosure of the international application as filed.

The amendments in question are as follows:

In the characterising portion of the claim, the passage

"that the second illumination system can be switched on only after the switching stage representing the low beam"

has been replaced by the passages

"that the second and third illumination systems can be switched on only after the switching stage representing the low beam" and "wherein the second and third illumination systems can be operated independently of one another".

In the version as filed, the description on page 7, line 16 to page 8, line 7 introduces two exemplary circuits or switches:

- a) circuit 1 (page 7, lines 16-30): With regard to this circuit, there is no indication that the fog lights (represented by the second illumination system in the newly submitted claims) can be switched on only after the switching stage representing the low beam
- b) circuit 2 (page 8, lines 1-7): Here the explanation is given that, before switching stages 7 and 8 (fog lights and rear fog lights) and instead of switching stage 3 (infrared lighting), a switching stage 6 is provided for infrared lighting. This means that the second (fog lights) and the third (infrared lighting) illumination systems cannot be operated independently of one another, because the switching on of the second illumination system must always come after the switching on of the third illumination system.

Consequently, the description does not present any situation which simultaneously encompasses the features of the two aforementioned passages from the newly submitted claim 1. Claim 1 therefore goes

beyond the disclosure of the international application as filed.

The examination is therefore based on the original version of claim 1.

- 2.2 The solution proposed in claim 1 of the present application cannot be deemed inventive for the following reasons (PCT Article 33(3)):

D5 is considered the prior art closest to the subject matter of claim 1.

D5 discloses (the references in parentheses relate to said document):

A circuit for actuating a first illumination system for emitting visible light with a plurality of illumination states with a low beam and a full beam (figure 2: column 3, lines 44-55; the feature full beam is implicitly included in the feature "Headlamps"),

and for actuating a second illumination system for emitting light (column 3, line 56),

with a single switch having switching stages representing a plurality of illumination stages for actuating the two illumination systems (figures 2, 3), wherein the arrangement of the switching stages of the circuit is fixed such that the second illumination system can be switched on only after the switching stage representing the low beam (column 3, line 56 - column 4, line 4).

The subject matter of claim 1 therefore differs from the known circuit in that the second illumination system is suitable for emitting light in the infrared, i.e. non-visible, wavelength range.

The problem addressed by the present invention can therefore be considered that of extending the use of the known circuit of D5 to further lighting functions.

D6 discloses an illumination system for emitting visible and non-visible light, wherein the infrared light can be switched on only after the low beam has been switched on (see paragraphs 4-6, 11, 34-35, 41-42, 46, 93-95, in particular paragraph 46, final sentence).

It would be obvious for a person skilled in the art seeking to achieve the same purpose with an illumination system as per D6 to use the circuit known from D5 to corresponding effect with the subject matter of D6. In this way he would arrive at a circuit as per claim 1, without thereby being inventive.

The solution proposed in claim 1 of the present application cannot therefore be considered inventive (PCT Article 33(3)).

3 INDEPENDENT CLAIM 2:

- 3.1 The amendments submitted with the letter of 5 January 2005 meet the requirements of PCT Article 34(2)(b).
- 3.2 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 2 is not novel (PCT Article

33(2)).

D1 discloses

A switch (implicit, column 2, lines 21-27; "switching over... switching on") for actuating a first illumination system for emitting visible light with a plurality of illumination states with a low beam and a full beam (column 2, line 23), and for actuating a second illumination system for emitting light whose wavelength range is in the infrared, i.e. non-visible, wavelength range (column 2, line 31), with a single switch having switching stages representing a plurality of illumination states for actuating the two illumination systems (implicit: the switch for switching from low beam to full beam and vice versa also serves as the switch for actuating the infrared light: column 3, lines 21-27), wherein the arrangement of the switching stages of the switch is fixed such that the switching stage representing the full beam can be switched on only after the switching stage of the second illumination system has been switched on (column 2, lines 24-31: the infrared light is switched on together with the low beam, and it is then possible to switch over from low beam to full beam as required).

D1 thus discloses all the features of claim 2.

All the features of claim 2 are also known from D3 (paragraphs 6, 7, 22; here too the switch is considered an implicit feature).

The subject matter of claim 2 is therefore not novel.

4      Dependent claims 3-7

do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT inventive step requirements - see documents D1-D6 and the corresponding passages cited in the search report.

**Further observations:**

- 5      The application does not meet the requirements of PCT Article 6 because claim 7 is not clear.

It is not clear which "further illumination means" (not defined in the previous claims) are to be displayed by the "control light".

- 6      The combination of claims 3 and 6 also leads to problems of clarity (PCT Article 6). In claim 3 the switching stages are not supposed to lock into place, but in claim 6, a switching stage is supposed to lock into place. This is contradictory.